

1 CHRISTOPHER CHIOU  
2 Acting United States Attorney  
3 Nevada Bar No. 14853  
4 KIMBERLY M. FRAYN  
5 Assistant United States Attorney  
6 501 Las Vegas Boulevard South, Suite 1100  
7 Las Vegas, Nevada 89101  
8 Tel: (702) 388-6336  
9 Fax: (702) 388-6418  
10 [Kimberly.Frayn@usdoj.gov](mailto:Kimberly.Frayn@usdoj.gov)

11 *Attorneys for the United States*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 JOHN BADEA,  
19 Defendant.

Case No. 2:19-CR-00017-APG-VCF

**Stipulation To Continue Sentencing  
Hearing**  
(First Request)

20 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher  
21 Chiou, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States  
22 Attorney, counsel for the United States of America, and Jason R. Margolis, Esq., counsel  
23 for John Badea, ("Badea"), that the sentencing hearing in the abovementioned case,  
24 which is currently scheduled for March 16, 2021, at 10:30 a.m., be continued and reset to  
25 a date and time convenient to this Court, but for a period of not less than 14 days for the  
26 following reasons:

1           1.       The parties need additional time to prepare for the sentencing hearing.

2           2.       Undersigned government counsel is preparing for jury trial in *United States*  
3 *v. Rickon Wade*, case number 2:21-cr-00001-GMN-BNW, which is set to begin on March  
4 8, 2021, and will run the bulk of that week. The government anticipates calling multiple  
5 witnesses to testify in Badea's sentencing hearing and needs additional time to prepare  
6 them for their testimony. The government also needs additional time to respond to  
7 Badea's formal objections to the PSR. ECF 72 and 73. The sentencing hearing is  
8 currently scheduled for March 16, 2021, at 10:30 a.m..

9           3.       The parties have agreed to continue the sentencing hearing for at least 14  
10 days so that the government has adequate time to submit a responsive pleading and  
11 complete preparations for the witnesses' testimony. Local Rule 32-1 provides that  
12 sentencing memorandum must be filed 5 business days prior to the sentencing hearing,  
13 and any response 3 business days prior to the hearing.

14           4.       The defendant is not incarcerated and does not object to the continuance.

15           5.       The parties agree to the continuance.

16           6.       The additional time requested herein is not sought for purposes of delay,  
17 but merely to allow the parties sufficient time within which adequately prepare for the  
18 sentencing hearing. Additionally, denial of this request for continuance could result in a  
19 miscarriage of justice, and the ends of justice served by granting this request, outweigh

20       / / /

21       / / /

22       / / /

1 the best interest of the public and the defendant in a speedy hearing.

2 7. This is the first stipulation to continue the sentencing hearing.

3 DATED this 2nd day of March, 2021.

4  
5 CHRISTOPHER CHIOU  
Acting United States Attorney

6  
7 By /s/ Jason R. Margolis, Esq.  
JASON R. MARGOLIS, ESQ.  
8 Counsel for John Badea

BY /s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3  
4 UNITED STATES OF AMERICA,  
5 Plaintiff,  
6 v.  
7 JOHN BADEA,  
8 Defendant.

Case No. 2:19-CR-00017-APG-VCF

**Findings Of Fact, Conclusions Of Law  
And Order**

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore,  
12 the Court finds that:

- 13 1. The parties need additional time to prepare for the sentencing hearing.
- 14 2. Undersigned government counsel is preparing for jury trial in *United States*  
15 *v. Rickon Wade*, case number 2:21-cr-00001-GMN-BNW, which is set to begin on March  
16 8, 2021, and will run the bulk of that week. The government anticipates calling multiple  
17 witnesses to testify in Badea's sentencing hearing and needs additional time to prepare  
18 them for their testimony. The government also needs additional time to respond to  
19 Badea's formal objections to the PSR. ECF 72 and 73. The sentencing hearing is  
20 currently scheduled for March 16, 2021, at 10:30 a.m..
- 21 3. The parties have agreed to continue the sentencing hearing for at least 14  
22 days so that the government has adequate time to submit a responsive pleading and  
23 complete preparations for the witnesses' testimony. Local Rule 32-1 provides that  
24 sentencing memorandum must be filed 5 business days prior to the sentencing hearing,  
25 and any response 3 business days prior to the hearing.
- 26

1           4.     The defendant is not incarcerated and does not object to the continuance.

2           5.     The parties agree to the continuance.

3           6.     The additional time requested herein is not sought for purposes of delay,  
4 but merely to allow the parties sufficient time within which adequately prepare for the  
5 sentencing hearing. Additionally, denial of this request for continuance could result in a  
6 miscarriage of justice, and the ends of justice served by granting this request, outweigh  
7 the best interest of the public and the defendant in a speedy hearing.

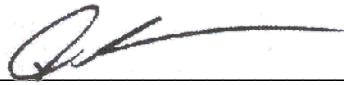
8           7.     This is the first stipulation to continue the sentencing hearing.

9           DATED this 2nd day of March, 2021.

10  
11                               **ORDER**

12           THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the  
13 above-captioned matters, currently scheduled for March 16, 2021, be vacated and  
14 continued to a date and time convenient to this Court, that is on April 6, 2021 at 9:00  
15 a.m. in Las Vegas Courtroom 6C.

16  
17  
18           DATED this 2nd day of March 2021.

19  
20                                 
21                               \_\_\_\_\_  
22                               HONORABLE ANDREW P. GORDON  
23                               United States District Court Judge  
24  
25  
26